

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUCIOUS WILSON,

Plaintiff,

v.

BUCATO, J. FLORES, C.
HUCKLEBERRY, C. PFIEFFER,

Defendants.

Case No. 1:23-cv-00023-HBK (PC)

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS ORDER TO SHOW CAUSE
WHY MOTION TO PROCEED *IN FORMA*
PAUPERIS SHOULD NOT BE DENIED

Plaintiff, a prisoner, initiated this action on December 30, 2022, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on the Complaint and submitted a copy of his prison trust fund statement in support which reflects a balance of \$137.39. (Doc. Nos. 2, 4). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. **Plaintiff is obligated to make an initial payment of \$64.00¹ (20% of the greater of the average 6-month deposits immediately**

¹ According to the Inmate Statement Report, Plaintiff's average monthly deposits for the 6-month preceding the filing of the Complaint was \$320.00. (Doc. No. 4).

1 preceding the filing of the complaint or six-month average balance). *Id.*, § 1915(b)(1)(A),
2 (B). Thereafter, Plaintiff is required to make monthly payments of 20% of the preceding month's
3 income credited to her trust account. The California Department of Corrections is required to
4 send the initial \$64.00 payment to the Clerk of the Court and subsequent payments from
5 Plaintiff's account each time the amount in her account exceeds \$10.00, until the statutory filing
6 fee is paid in full. 28 U.S.C. § 1915(b)(2).

7 ACCORDINGLY, it is **ORDERED**:


8 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

9 2. **The Secretary of the California Department of Corrections, or his designee shall**
10 **forward an initial payment of \$64.00 to the Clerk of the Court from Plaintiff's prison trust**
11 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly**
12 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
13 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
14 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
15 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
16 number assigned to this action.

17 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
18 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
19 the court's electronic case filing system (CM/ECF).

20 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
21 Department, U.S. District Court, Eastern District of California.

22
23 Dated: January 19, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE